

**Enrolled Minutes of the Fiftieth Regular Meeting
For the Twenty-Sixth Highland Town Council
Monday, January 25, 2010**

Study Session. The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, January 25, 2010 at 6:30 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Brian Novak and Konnie Kuiper were present. Councilor Dan Vassar was absent owing to a work commitment. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the imminent agenda of the regular meeting.
2. The Town Council and the Public Works Director discussed a request from Grimmer Construction to lease electric usage from the Town's meter and locate a construction trailer at a site north of the Public Works Facility on Kennedy Avenue, while Grimmer Construction performs its contract with INDOT for reconstruction and repair to pump station and related drainage serving 80/94 expressway.
3. The Town Council discussed the letter from the Traffic Safety Commission regarding Main Street and the entrance to Highland Grove Mall near the Target store.

The study session ended at 6:56 O'clock p.m.

Regular Meeting. The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, January 25, 2010 at 7:05 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Council President Mark A. Herak, presided and the Town Clerk-Treasurer was present to memorialize the proceedings.

The session was opened with the Highland Girl Scouts from Troops 171 and 285 presenting the colors and then joined by Councilor Bernie Novak, leading the pledge of allegiance to the United States Flag. Councilor Novak then and pronounced a prayer.

Roll Call: Present on roll call were Council Members Bernie Zemen, Mark Herak, Brian Novak, and Konnie Kuiper. Councilor Dan Vassar was absent owing to a work commitment. The Town Clerk-Treasurer Michael Griffin was present. A quorum was attained.

Additional Officials Present: Rhett Tauber, Town Council Attorney; John M. Bach, Public Works Director; Peter T. Hojnicky, Metropolitan Police Chief; Kenneth J. Mika, Building Commissioner; William R. Timmer, CFOD, Fire Chief; and Alex M. Brown, CPRP, Parks and Recreation Superintendent were present.

Ed Dabrowski of the Park and Recreation Board; and Rev. Dr. Leroy Fassett of the Shared Ethics Advisory Commission were also present.

With leave from the Town Council, the Town Council President acknowledged the Girl Scout Troops that were present.

Highland Girl Scout Troop 171

Alicia Alcaraz, Cecilia Arceo, Courtney Douglas, Mikayla Goetz, Alexis Hodo, Megan Neel, Yulissa Rios, and Danielle Rudnickas were present from Troop 171.

Highland Girl Scout Troop 285

Erin Applegate, Leah Helpingstien, Sarah Hoffman, Clarissa Magley, Meghan Mcfee, Amanda Meel, Courtney Szymborski were present from Troop 285.

Troop Co-leaders Melynda McFee, Diane Neel and Chris Magley were also present. Following the regular meeting, the troop would be engaging with elected officers and department heads about local government in satisfaction of work leading to the award of certain badges.

The Town Council President also offered condolences to Lisa Gauthier of the Community Events Commission on the death of her mother.

Minutes of the Previous Session

The minutes of the regular meeting of 13 January 2010 were approved by general consent.

Communications:

1. A letter was read from the Traffic Safety Commission regarding its recommendation of a traffic control amenity to prevent eastbound traffic on Main Street in Highland from entering the Highland Grove Mall and Highland Grove traffic from exiting eastbound onto Main Street. *The recommendation comes upon a request presented to the Commission from Barbara Furman, 7148 McLaughlin, Hammond, Indiana and Suzette Bodnar, 13015 West Rancho Santa Fe Boulevard, Avondale, Arizona.*

There was no action but the letter was received as information.

Appointments:

• Statutory Boards and Commissions

Executive Appointments made by Town Council President

Legislative or Fiscal Body Appointments made by Town Council

Executive Appointments (statutory)

1. **Economic Development Commission:** (1) appointment to be made by Town Council President. The Town Council President indicated that he was not yet ready to make this appointment.
2. **Northwest Indiana Regional Plan Commission** (1) appointment to be made by Town Council President. Currently serving is the Clerk-Treasurer. *The appointment does not require annual action unless the Town Council President wishes to change the appointment. Must be an elected officer of the municipality.*

The Town Council President noted that he chose to make no changes and wished to retain the Clerk-Treasurer, **Michael W Griffin**, as the appointment to the Northwestern Indiana Regional Planning Commission.

Legislative Appointments (statutory)

1. **Municipal Plan Commission (legislative)** (3) appointments to be made by Town Council. *Actually, the existing persons continue to serve unless you act otherwise. If the Town*

Council wishes to change one or any, then it may do so. Appointees must be either an elected or appointed official of the Town or an employee.

Councilor Zemen moved that **Councilor Brian Novak** be appointed in place of Councilor Zemen as a legislative appointment to the Municipal Plan Commission, while retaining the other two legislative appointments. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. Councilor Novak was appointed to the Municipal Plan Commission replacing Councilor Zemen.

*Legislative Appointments (statutory)
Home Rule Commissions*

1. Community Events Commission:

(A) (2) appointments remain to be made by the Town Council. **Term: 1 year.**

Councilor Kuiper moved to reappoint **Julie Ritchey-Glenn**, 8817 Park Place Drive, Highland, to a term ending on January 1, 2010, on the Community Events Commission. Councilor Novak seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. Ms. Ritchey Glenn was reappointed.

Unfinished Business and General Orders:

- 1. Proposed Ordinance No. 1450:** An Ordinance Amending the Ordinance Establishing the Community Events Commission, by amending Section § 32.40 of the Highland Municipal Code to remove the prohibition on elected or appointed officers serving on the Commission, pursuant to IC 36-1-3 and IC 36-10-2 et seq.

Councilor Zemen introduced and moved the consideration at the same meeting of introduction of Ordinance No 1450. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and no negatives. The motion passed. The ordinance could be considered.

Councilor Zemen moved the passage and adoption at the same meeting of introduction of Ordinance No 1450. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives and no negatives. The motion passed. The ordinance was adopted.

**TOWN OF HIGHLAND, INDIANA
ORDINANCE NO. 1450**

AN ORDINANCE AMENDING THE ORDINANCE ESTABLISHING THE COMMUNITY EVENTS COMMISSION, BY AMENDING SECTION § 32.40 OF THE HIGHLAND MUNICIPAL CODE, PURSUANT TO IC 36-1-3 AND IC 36-10-2 ET SEQ.

WHEREAS, The Town of Highland is a local unit of general government governed by a Town Council, which is both the fiscal and legislative body of the Town;

WHEREAS, IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs;

WHEREAS IC 36-1-3-6 (b)(1) prescribes that any such exercise of power shall be authorized through passage of an ordinance passed by the legislative body;

WHEREAS, The Town Council as the governing body for the municipality, may establish, aid, maintain, and operate recreation facilities, cultural, historical programs, pursuant to its general culture and recreation powers conferred in IC 36-10-2;

WHEREAS, The Town Council now desires to modify the some provisions in subchapter of the Highland Municipal Code styled as Community events Commission, in order to eliminate the prohibition of elected or appointed officials from membership and to further perfect the governing ordinance related to the Community Events Commission; and,

WHEREAS, The Town Council believes this action to be necessary and desirable for the conduct of the affairs of the Town, and in the public interest, consistent with the powers granted under IC 36-1-3 et seq. and IC 36-10-2 et sequitur;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF HIGHLAND, LAKE COUNTY, INDIANA as follows:

Section 1. That Section § 32.40 (F) is hereby repealed in its entirety to be replaced by a successor section, to be numbered § 32.40 (F), *effective retroactively to January 12, 2010*, which shall read as follows:

COMMUNITY EVENTS COMMISSION

§32.40 ESTABLISHMENT

(F) No person shall be appointed as voting member of the Commission who has not attained the age of 18 years **and** who is not a resident of Highland. ~~or who holds any other town office by appointment or election.~~

Section 2. Any and all such ordinances in conflict with the provisions of this ordinance are hereby repealed and of no further force or effect.

Section 3. This ordinance shall become and be in full force and effect *retroactively from January 12, 2010*, and after its passage and adoption upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 25th Day of January 2010. Consideration on same day or at same meeting of introduction had a vote of 4 in favor and 0 opposed, all pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 25th Day of January 2010, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

ATTEST:

**Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)**

2. **Works Board Order No. 2010-01:** AN ORDER OF the WORKS BOARD APPROVING AND AUTHORIZING THE EXTENSION OF AN AGREEMENT FOR PROMPT MEDICAL TRANSPORTATION, INC., SERVICE CONTRACT. *(The agreement is a no fee contract and is undertaken jointly with Town of Munster.)*

Councilor Novak moved the passage and adoption of Works Board Order No. 2010-01. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted.

**The Town of Highland
Board of Works
Order of the Works Board No. 2010-01**

**AN ORDER OF the WORKS BOARD APPROVING AND AUTHORIZING THE EXTENSION OF AN AGREEMENT
FOR PROMPT MEDICAL TRANSPORTATION, INC., SERVICE CONTRACT.**

WHEREAS, The Towns of Highland and Munster (TOWNS) received bids in 2004 for the provision of emergency ambulance services, and on January 10, 2005 accepted and awarded the bid as being the lowest responsible bidder to Prompt Medical Transportation, Inc. (PROMPT); and

WHEREAS, The Town Council, acting as the Board of Works for the Town of Highland, pursuant to I.C. 5-22-17-4, desires to concur with the Town of Munster and desires to extend the contract for the provision of emergency ambulance service in accordance with Section KK of the contract; and

WHEREAS, The Munster Board of Safety regularly reviews the performance of Prompt and at its meeting on December 17, 2009 determined that Prompt has met the terms and conditions of the contract and recommends to the Town Council that exercising the initial three (3) year extension is in the best interest of the Town of Munster; and

WHEREAS, The Fire Chief and other proper officers regularly review the performance of Prompt and offers that Prompt has met the terms and conditions of the contract and recommends to the Town Council that exercising the initial three (3) year extension is in the best interest of the Town of Highland; and

WHEREAS, Prompt Medical Transportation, Inc., has agreed to the extension; and,

Now Therefore be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Munster, Lake County, Indiana, as follows:

Section 1. That it is hereby approved that the ambulance service provider extends its agreement through December 31, 2012;

Section 2. That the Town Council President is hereby authorized to execute a contract extension with Prompt Medical Transportation, Inc., under the terms of this order with his signature as attested thereto by the Clerk-Treasurer.

Be it so Ordered.

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 25th day of January 2010 having passed by a vote of 4 in favor and 0 opposed.

WORKS BOARD of the TOWN of
HIGHLAND, INDIANA

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

3. **Works Board Order No. 2010-02:** An Order Finding and Determining Certain Personal Property of the Municipality as No longer needed or Unfit for the Purposes for which originally acquired and further Authorizing and Approving Disposal of said property by Public Sale. (Requested by the Metropolitan Police Department for disposal of Cadillac DeVille, a seized and forfeited asset.)

Councilor Zemen moved the passage and adoption of Works Board Order No. 2010-02. Councilor Novak seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted.

THE TOWN of HIGHLAND
BOARD of WORKS ORDER NO. 2010-02

AN ORDER FINDING and DETERMINING CERTAIN PERSONAL PROPERTY of the MUNICIPALITY as NO LONGER NEEDED or UNFIT for the PURPOSES for WHICH ORIGINALLY ACQUIRED and FURTHER AUTHORIZING and APPROVING DISPOSAL of said PROPERTY BY PUBLIC SALE

WHEREAS, The Town Council for the Town of Highland is the Works Board of the Municipality pursuant to IC 36-1-2-24(3) and

WHEREAS, The Town Council has been advised by the proper officers that there are items of personal property owned by or in the possession of the municipality for at least one (1) year or longer that either are no longer needed or unfit for the purposes originally acquired that are identified on the attached Exhibit and

WHEREAS, The proper officers have recommended that a disposal of the personal property be authorized, including the officers of the Town Board of Metropolitan Police Commissioners, all pursuant to the provisions of IC 5-22-22 et seq.;

WHEREAS The Town Council now desires to favor the recommendation and take those steps necessary to authorize and approve a disposal of personal property of the municipality pursuant to the applicable law,

NOW, THEREFORE, BE IT ORDERED by the Town Council of the Town of Highland, Lake County, Indiana:

Section 1. That the Town Council of the Town of Highland hereby finds and determines the following:

- (a) That there is an article of personal property that has been owned or possessed by the municipality for at least a year or more listed on the attached Exhibit, that is no longer needed or unfit for the purposes for which they were intended;

(b) That these article of personal property has an estimated total value of at least one thousand dollars (\$1,000);

Section 2. That the proper officers of the municipality are hereby authorized and instructed to cause a lawful disposal of the personal property identified in this Order by a properly advertised public sale pursuant to the provisions of IC 5-22-22 et seq., particularly taking sealed bids at the Office of the Metropolitan Police Chief of the Highland Metropolitan Police Department, to remain sealed until opened and read aloud in the plenary meeting room of the Highland Municipal Building, on a date certain, advertised pursuant to IC 5-3-1, with the sale made to the highest, responsible bidder, as set forth in IC 5-22-22-5;

Section 3. That the proceeds from the sale of said personal property shall be deposited to the proper fund or funds of the municipality pursuant to law, particularly as follows:

(a) Proceeds from the sale of the personal property identified in the attached **Exhibit** of this Order shall be deposited in the *Traffic and Law Violations Agency Fund*, from which the proceeds shall be then shortly delivered to the Clerk of the Lake Superior and Circuit Courts, for distribution according to the *Order of Asset Distribution*, filed in and ordered by the Lake Superior Court, Division III, in Cause No. 45D09 0801 PL 00008, to wit:

- (1) A check for Attorney Voyle A. Glover, for thirty percent (30%) of the proceeds as attorney fees.
- (2) A check to the Highland Police Department for seventy-five (75%) percent of the proceeds *after the payment of the attorney fees and costs, as law enforcement costs*, with the proceeds to be deposited in the *Local Seized Asset and Forfeiture Fund*.
- (3) A check to the Lake County Prosecutor's Office for twenty-five (25%) percent of the proceeds *after the payment of the attorney fees and costs*.

BE IT SO ORDERED.

DULY ADOPTED and ORDERED BY the Town Council of the Town of Highland, Lake County, Indiana, acting as the Board of Works, this 25th day of January 2010 having passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

EXHIBIT

Locally Seized, Unclaimed, Lost or Stolen Property Assets/Evidence
Reported by Metropolitan Police Department

- (1) **1997 Cadillac DeVille** VIN #1G6KE54Y4VU295419

Cause No. 45D09 0801 PL 00008

Lake Superior Court Division III Order of Asset Distribution
Filed 04 November 2008

Town Board of Metropolitan Police Commissioners voted to recommend the disposal of the above listed item at its meeting of 10 September 2009.

4. **Works Board Order No. 2010-03:** An Order of the Works Board Ratifying, Authorizing and Approving the Selection of CODE PUBLISHING Incorporated to perform Re-codification Services for the Municipality. *At its meeting of December 29, 2009, the Town Council authorized the Clerk-Treasurer to make a selection from respondents to an RFP for Re-codification Services for the Town of Highland to allow him to execute agreement provided the cost does not exceed \$18,000, encumber available moneys and to report back for ratification by the Town Council.*

Councilor Kuiper moved the passage and adoption of Works Board Order No. 2010-03. Councilor Novak seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted.

**Town of Highland
Board of Works
Order of the Works Board 2010-03**

AN ORDER RATIFYING, APPROVING AND AUTHORIZING THE ENTRY INTO A AGREEMENT WITH CODE PUBLISHING CORP., FOR RE-CODIFICATION SERVICES, UNDER §31.22 OF THE MUNICIPAL CODE.

Whereas, IC 36-1-5-3 provides that the legislative body of a unit *shall* codify, revise, rearrange, or compile the ordinances of the unit into a complete, simplified code excluding formal parts of the ordinances;

Whereas, The Clerk-Treasurer did prepare and transmit a formal request for proposals seeking re-codification services for the Town of Highland, noting that the last formal re-codification and update was January 2001;

Whereas, At its meeting of December 29, 2009, the Town Council authorized and approved the Town Clerk-Treasurer to make a selection from the three respondents, and to allow him to execute agreement provided the cost does not exceed \$18,000, encumber available moneys and to report back for ratification by the Town Council;

Whereas, The Clerk-Treasurer has made a selection pursuant to the authority granted and now presents the selection for its ratification;

Whereas, The Town Council as the Works Board of the Municipality, pursuant to §31.17(A) and (B) of the Code serves as purchasing agency for the executive departments of the municipality;

Whereas, The value of the agreement exceeds ten thousand (\$10,000) and is for a term of greater than one year, pursuant to §31.18(C) of the HMC, requires the express approval of the purchasing agency; and

Whereas, The Highland Municipal Code Section §31.22 provides that the purchase of services may in a manner that the purchasing agency determines to be reasonable;

Whereas, The payments will be supported by an appropriation and funds of the **Office of the Town Council in the Corporation General Fund**; and

Whereas, The Town Council now desires to ratify and approve the agreement as selected and executed by the Clerk-Treasurer,

Now Therefore Be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality as follows:

Section 1. That the Clerk-Treasurer is authorized to execute the necessary documents to support the acceptance and approval of the agreement for recodification services in the likely amount of \$14,550.00 and not to exceed \$15,000.00 as submitted by **Code Publishing Incorporated**.

Section 2. That purchase agency determines and finds this purchase of services is reasonable, as are the charges as set forth in the proposed agreement.

Section 3. That the Clerk-Treasurer's selection is hereby ratified and is authorized, pursuant to its authorization granted at its meeting of December 29, 2009 and pursuant to IC 36-1-4-16;

Section 4. That the Clerk-Treasurer be directed to cause the charges approved under this Works Board Order to be posted to and supported by an appropriation in the **Office of the Town Council in the Corporation General Fund**, as encumbered by a properly issued purchase order, pursuant to IC 5-22-18-5(b)(1).

Be it So Ordered.

DULY, PASSED, ADOPTED and Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 13th day of January 2010 having passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**
Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

5. **Resolution No. 2010-02:** A Resolution Authorizing Temporary Interfund Loan or Transfer Pursuant to IC 36-1-8-4.

Councilor Novak moved the passage and adoption of Resolution No. 2010-02. Councilor Zemen seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The resolution was adopted.

RESOLUTION NO. 2010-02

A RESOLUTION AUTHORIZING TEMPORARY INTERFUND LOAN or TRANSFER PURSUANT to IC 36-1-8-4

Whereas, The Clerk-Treasurer has advised the Town Council that cash balance in the **Corporation Bond and Interest Fund (Non-Exempt)**, is not sufficient to meet its regular operating expenses prior to the receipt of the semi-annual distribution of ad-valorem revenues so it has become necessary to temporarily borrow money to enhance the fund;

Whereas, The Clerk-Treasurer has advised that there is sufficient money on deposit to the credit of the **Rainy-Day Fund** that can be temporarily transferred;

Now, Therefore Be it Resolved by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That the amount of **\$53,000.00** be borrowed for the **Corporation Bond and Interest Fund (Non-Exempt)**, with the amount of **\$53,000.00** to be loaned by the **Rainy Day Fund**;

Section 2. That said loan in the amount of **\$53,000.00** be repaid to the **Rainy Day Fund** of the Town of Highland upon receipt of sufficient tax or other monies in the **Corporation Bond and Interest Fund (Non-Exempt)** with such loan to be repaid no later than December 31, 2010, subject to IC 36-1-8-4(b).

Duly Adopted by the Town Council of the Town of Highland, Lake County, Indiana, this 25th day January 2010. Having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President IC 36-5-2-10

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

6. **Resolution No. 2010-03: A RESOLUTION ARTICULATING THE "SENSE OF THE TOWN COUNCIL" REGARDING THE IMPORTANCE OF ESTABLISHING A TIMELY TRANSMISSION OF PROPERTY TAX BILLS by STREAMLINING THE MANNER OF CALCULATING AND TRANSMITTING "PROVISIONAL" PROPERTY TAX BILLS.**

Councilor Zemen moved the passage and adoption of Resolution No. 2010-03. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The resolution was adopted.

**HIGHLAND TOWN COUNCIL
Resolution No 2010-03**

A RESOLUTION ARTICULATING THE "SENSE OF THE TOWN COUNCIL" REGARDING THE IMPORTANCE OF ESTABLISHING A TIMELY TRANSMISSION OF PROPERTY TAX BILLS by STREAMLINING THE MANNER OF CALCULATING AND TRANSMITTING "PROVISIONAL" PROPERTY TAX BILLS

WHEREAS, The Highland Town Council, as the fiscal and legislative body of the Town of Highland, from time to time, encounters issues of public import and moment which invite an expression from the elected representatives as part of the public discourse on the matter;

WHEREAS, Article 1, Section 31 of the Indiana Constitution provides that no law shall restrain any of the inhabitants of the State from assembling together in a peaceable manner, to consult for their common good, nor from instructing their representatives, nor from applying to the General Assembly for redress of grievances; and

WHEREAS, Municipalities are dependent on the timely receipt of a variety of revenue sources, including real estate property taxes, to efficiently and effectively perform the duties and meet the obligations of local government; and

WHEREAS, Since 2003, the process that leads to the transmission of timely property tax assessments, and bills has been protracted affecting delays in the collection of property taxes and the distribution to local governments;

WHEREAS, In part owing to the delays described herein, the Town of Highland has issued tax anticipation warrants, to provide for cash flow in order to meet the debt service obligations and ordinary operating expenses of the municipality;

WHEREAS, In consequence of the issuance of tax anticipation warrants, the Town of Highland suffered the payment of interest during the following years and amounts:

FY 2003: \$ 58,105.90
FY 2004: \$ 13,008.40
FY 2005: \$ 169,463.34
FY 2006: \$ 162,629.33
FY 2007: \$ 118,683.29
FY 2008: \$ 184,301.15
FY 2009: \$ 75,894.61
FY 2010: \$ 59,020.54 (expected)
Total: \$ 841,106.56

WHEREAS, In consequence of the Town of Highland paying this interest, over seven hundred thousand dollars was arrogated and not available to support the performance of municipal functions;

WHEREAS, The cost of financing cash flow demonstrates the importance of having timely property tax assessments leading to the timely collection and distribution of property taxes;

WHEREAS, The Indiana General Assembly did pass and adopt IC 6-1.1-22.5 et seq., authorizing the issuance of so-called "provisional tax bills", to support and promote the timely collection and distribution of property taxes when the assessing and related processes for the generation of regular property tax bills are unduly delayed or otherwise marred in their execution;

WHEREAS, While well intentioned, the laws and rules governing the issuance of "provisional tax bills", pursuant to IC 6-1.1-22.5 et seq., in many cases are unwieldy, cumbersome such that billing authorities suggest that there is no meaningful difference between the processing time of the regular property tax bill and the provisional tax bill;

WHEREAS, The Town of Highland, was incorporated to provide certain public services to the residents of this community, all of whom are also residents of this state, who from time to time assemble together in a peaceable manner, consult for their common good, instruct their elected representatives and in some cases apply to the proper officers of the state for redress of grievances, all for the betterment of government; and

WHEREAS The Town of Highland by and through its elected officers wishes to offer a distinct, public expression on the public import of this matter,

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana that it is the sense of the Town Council of Highland, as follows:

Section 1. That the Town of Highland urges the Indiana General Assembly to review the best or most desirable practices of neighboring states related to the issuance of accelerated, estimated property tax bills employed as an interim measure in cases where the regular assessing and billing procedures experience protracted delay;

Section 2. That the Town of Highland further urges the Indiana General Assembly to amend, enhance and improve the existing law governing the issuance of provisional property tax bills to permit greater ease in the preparation and issuance of such bills;

Section 3. That the Town of Highland commends and supports the efforts to streamline the provisional billing process, urging that such efforts be enacted in sufficient time to be in effect and available as soon as possible for the pay 2010 taxing cycle, including in particular **HB 1059, as filed by Representative Shelli VanDenburge**;

Section 4. That the Town Clerk-Treasurer be hereby instructed to transmit and forward this resolution to the proper officers of the Indiana General Assembly and to Governor Mitchell Daniels, to inform their deliberation and to the neighboring cities and towns as well as to such other parties or agencies that may be interested, and to encourage those persons to evidence their strong desire to see the objects and purposes of this "Sense of the Council Resolution" achieved.

DULY RESOLVED and ADOPTED this 25th Day of January 2010 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

7. **Resolution No. 2010-04: A RESOLUTION ARTICULATING THE "SENSE OF THE TOWN COUNCIL" REGARDING THE IMPERATIVE OF REBUILDING OF THE CLINE AVENUE BRIDGE**

Councilor Novak moved the passage and adoption of Resolution No. 2010-04. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The resolution was adopted.

HIGHLAND TOWN COUNCIL
Resolution No 2010-04

A RESOLUTION ARTICULATING THE "SENSE OF THE TOWN COUNCIL" REGARDING THE IMPERATIVE OF REBUILDING OF THE CLINE AVENUE BRIDGE

WHEREAS, The Highland Town Council, as the fiscal and legislative body of the Town of Highland, from time to time, encounters issues of public import and moment which invite an expression from the elected representatives as part of the public discourse on the matter;

WHEREAS, Article 1, Section 31 of the Indiana Constitution provides that no law shall restrain any of the inhabitants of the State from assembling together in a peaceable manner, to consult for their common good, nor from instructing their representatives, nor from applying to the General Assembly for redress of grievances; and

WHEREAS, The Cline Avenue Bridge was constructed in 1986 with a clearance span of 90 feet in order to accommodate seagoing vessels navigating the Indiana Harbor Canal; and

WHEREAS, In November, 2009, the Indiana Department of Transportation announced an emergency shutdown of the Cline Avenue Bridge after expressing concerns about corrosion discovered on the elevated spans; and

WHEREAS, On December 28, 2009, the Indiana Department of Transportation announced that the Cline Avenue Bridge would be permanently closed and demolished despite the Indiana Department of Transportation already having set aside \$90 Million to replace the bridge's superstructure in 2012; and

WHEREAS, Approximately 30,000 vehicles a day used the 1.25 mile bridge which is a key industrial artery that leads to steel mills along Lake Michigan, casinos, the BP Whiting Refinery, the Gary/Chicago International Airport and is used by commuters who travel to and from Chicago; and

WHEREAS, The area serviced by the Cline Avenue Bridge includes BP Amoco, which has recently undertaken a \$3 Billion Dollar expansion and renovation project that includes over 3,000 contractors as well as employees who require regular access to the facility; and

WHEREAS, The citizens affected by the Indiana Department of Transportation's decision to close the Cline Avenue Bridge will experience an increase in noise and pollution produced by passenger vehicle and truck traffic in residential areas as a result of this structure's closure; and

WHEREAS, Municipalities affected by the closure will additionally lose access to the Gary-Chicago airport, into which millions of tax dollars have already been invested.

WHEREAS, The Town of Highland, was incorporated to provide certain public services to the residents of this community, all of whom are also residents of this state, who from time to time assemble together in a peaceable manner, consult for their common good, instruct their representatives and in some cases apply to the proper officers of this state for redress of grievances, all for the betterment of government; and

WHEREAS The Town of Highland by and through its elected officers wishes to offer a distinct, public expression on the public import of this matter,

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana that it is the sense of the Town Council of Highland, as follows:

Section 1. That the Town Council of the Town of Highland, Lake County, Indiana, hereby supports the rebuilding of the Cline Avenue Bridge, and opposes any course of action which would permanently close the structure;

Section 2. That the Town of Highland further urges the Indiana General Assembly to identify and appropriate adequate resources and that the Governor and the proper officers of the Department of Transportation marshal those resources to rebuild the Cline Avenue Bridge, perhaps at a lower height than is currently in place, with all deliberate speed, to restore this profoundly important public asset and its import in the local and state economy;

Section 3. That the Town Clerk-Treasurer be hereby instructed to transmit and forward this resolution to the proper officers of the Indiana General Assembly and to Governor Mitchell Daniels, to inform their deliberation and to the neighboring cities and towns as well as to such other parties or agencies that may be interested, and to encourage those persons to evidence their strong desire to see the objects and purposes of this "Sense of the Council Resolution" achieved.

DULY RESOLVED and ADOPTED this 25th Day of January 2010 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

8. Instruct the proper officer to publish notice pursuant to IC 5-3-1 for a public hearing on proposed additional appropriations in excess of the 20109 Budget for the General Improvement Fund, the Special Events Fund, the MCCD Fund and the Gaming Revenue Sharing Fund.

Councilor Zemen moved to authorize the publication of legal notice as indicated. Councilor Novak seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The resolution was adopted.

9. **Works Board Order No. 2010-04:** An Order of the Works Board Approving the Idlewild Avenue Improvement Project and Approving and Authorizing An agreement between Garcia Consulting and the Town of Highland to perform Preliminary Design Engineering and professional services in support Thereof.

Councilor Zemen moved the passage and adoption of Works Board Order No. 2010-04. Councilor Novak seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted.

**THE TOWN of HIGHLAND
Order of the Works Board No. 2010-04**

AN ORDER OF THE WORKS BOARD APPROVING THE IDLEWILD AVENUE IMPROVEMENT PROJECT AND APPROVING AND AUTHORIZING AN AGREEMENT BETWEEN GARCIA CONSULTING AND THE TOWN OF HIGHLAND TO PERFORM PRELIMINARY DESIGN ENGINEERING AND PROFESSIONAL SERVICES IN SUPPORT THEREOF.

Whereas, The Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), has received a request from the residents in the 8700-8800 blocks of Idlewild Avenue a requesting consideration to reconstruct the 8700-8800 blocks of Idlewild Avenue; and

Whereas, The Town Council, through the Department of Public Works, had conducted a survey of the residents in the 8700-8800 blocks of Idlewild Avenue in order to determine interest of implementing a reconstruction project, comparable to other reconstruction projects implemented in the Brantwood neighborhood over the past ten years; and

Whereas, Pursuant to the results of the survey, the Board has heretofore determined that the reconstruction of the 8700-8800 blocks of Idlewild Drive is generally consistent with desires of the affected property owners and now determines to implement a project to be named the Idlewild Avenue Improvement Project; and

Whereas, Garcia Consulting has offered and presented an agreement to provide and **furnish preliminary or design engineering and professional** services in consideration for fees to be charged and billed monthly based upon a lump sum of the value of the engineering services completed, in an estimated fee of Twenty-Nine Thousand One Hundred Dollars (\$29,100); and

Whereas, There are sufficient and available appropriations balances on hand to support the payments under the agreement, pursuant to IC 5-22-17-3(e); and

Whereas, The Town of Highland, through its Town Council now desires to approve the project and to accept and approve the agreement for services as herein described.

Now Therefore Be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana;

Section 1 That the Public Works Director is hereby authorized and approved to proceed with the reconstruction the 8700-8800 blocks of Idlewild Avenue to be known as the Idlewild Avenue Improvement Project;

Section 2. That the Professional Engineering and Design Services proposal, (incorporated by reference and made a part of this Order) between Garcia Consulting and the Town of Highland, is hereby approved, adopted and ratified in each and every respect;

Section 3. That the terms and charges under the agreement for preliminary design engineering services in the not to exceed fee amount of Twenty-Nine Thousand One Hundred Dollars (\$29,100) is found to be reasonable and fair;

Section 4. That the Town of Highland, through its Board of Works, believes that Garcia Consulting has demonstrated professional competence and qualifications to perform the particular professional engineering services called for in the Agreement and associated project, pursuant to I.C. 5-16-11.1-5 and Section § 31.64 of the *Highland Municipal Code*;

Section 5. That the Director of Public Works be authorized to execute the Agreement with his signature as attested thereto by the Clerk-Treasurer.

Be is so Ordered.

DULY, PASSED AND ADOPTED by the Town Council of the Town of Highland, Lake County, Indiana this 25th day of January 2010 having passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark Herak, President

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer

NEW BUSINESS

Amend the Agenda. Councilor Zemen moved to amend the Agenda to permit consideration of motions to reschedule meetings of the Town Council. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives and no negatives. The motion passed. The agenda was amended.

1. Action to reschedule Meetings of the Town Council, pursuant to Section § 30.27 (D). Councilor Zemen moved to reschedule the standing study session from February 1, 2010 to February 2, 2010, and to reschedule the regular business meeting from February 8, 2010 to February 9, 2010, with all starting times to remain the same. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives and no negatives. The motion passed. The meetings were rescheduled.

Amend the Agenda. Councilor Kuiper moved to amend the Agenda to permit consideration of a request from Grimmer Construction to an agreement for leasing electric usage from the Town's meter and locate a construction trailer at a site north of the Public Works Facility at 8005 Kennedy Avenue, while Grimmer Construction performs its contract with INDOT for reconstruction and repair to pump station and related drainage serving 80/94 expressway. Councilor Novak seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives and no negatives. The motion passed. The agenda was amended.

2. **Proposed Agreement from Grimmer Construction, Inc.** The single page letter agreement between Grimmer Construction, 2619 Main Street, Highland, Indiana and the Town of Highland, permits Grimmer Construction to locate its construction trailer at 8005 Kennedy Avenue, Highland, and lease electric usage from the Town for the monthly amount of \$250 for the duration of the project, which is projected to be approximately 10 months.

Councilor Kuiper moved to approve the proposed agreement between Grimmer Construction, 2619 Main Street, Highland, Indiana and the Town of Highland, and its terms and to authorize the Public Works Director to execute the agreement by his signature. Councilor Novak seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The agreement was approved.

**Comments from the Town Council Members
(For the Good of the Order)**

- **Councilor Bernie Zemen:** • *Park and Recreation Board Liaison • Town Board of Metropolitan Police Commissioners • Lake County Solid Waste Management District Board of Directors • President's designee to Chair the Select Centennial Commission • Chamber of Commerce, Liaison.*

Councilor Zemen had no comments.

- **Councilor Dan Vassar:** • *Redevelopment Commission Liaison • Plan Commission member.*

Councilor Vassar was absent owing to a work travel commitment.

- **Councilor Brian Novak:** • *Advisory Board of Zoning Appeals, Liaison • Plan Commission member. • Traffic Safety Commission Member.*

Councilor Novak has no comments.

- **Councilor Konnie Kuiper:** • *Fire Department, Liaison.*

Councilor Kuiper acknowledged the Fire Chief who reported on some initiatives its taking with sign-ins of firefighters in the hopes of improving the Town's ISO rating.

- **Councilor Mark Herak:** • *Town Executive • Police Pension Board of Trustees Chair • Budget Committee Chair • Board of Sanitary Commissioners, Liaison • Board of Waterworks Directors, Liaison • Community Events Commission, Liaison.*

Council President Herak recognized the Building Commissioner to offer a brief survey of the matters before the Plan Commission and the Advisory Board of Zoning Appeals.

Council President Herak recognized the Public Works Director to offer a brief survey of the matters before the Board of Sanitary Commissioners and the Board of Waterworks Directors.

Council President Herak recognized the Parks and Recreation Superintendent to offer a brief survey of the matters before the Park and Recreation Board and to offer a report regarding the recent State Parks and Recreation Convention.

Comments from the Public or Visitors

1. Rick Volbrecht, 9221 Parkway Drive, Highland, expressed his desire to speak on the matter of the petition and remonstrance process underway regarding the proposed \$10 million dollar renovation and rehabilitation of the Lincoln Community Center.

The Town Council President advised that the matter was better presented before the Park and Recreation Board and reclaimed the floor from Mr. Volbrecht.

2. Terry Fuqua, 3042 La Porte Street, Highland, expressed concerns regarding the adequacy of the impoundment facility for stray dogs used by the Town and further inquired about the practices regarding the length of impoundment and the disposition of unclaimed animals.

Mr. Fuqua further expressed his concern about the practice of Our Lady Grace Church, 3025 Highway Avenue, Highland, he described as placing snow on the sidewalks as the parking lots are cleared of snow.

Payment of Accounts Payable Vouchers. There being no further comments from the public or visitors, Councilor Novak moved to allow the accounts payable vouchers as filed on the pending pay docket, covering the period January 14, 2010 through to January 25, 2010.

Councilor Zemen seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The accounts payable vouchers were allowed and the clerk-treasurer was authorized to make payment.

General Fund, \$350,378.85; Motor Vehicle Highway and Street (MVH) Fund, \$139,309.87; Law Enforcement Cont. Education and Supply Fund, \$3,280.00; Corporation Bond and Interest Fund, \$68,236.81; Gasoline Fund, \$1,675.00; Information and Communications Technology Fund, \$6,404.40; Solid Waste District Grant Fund, \$2,691.00; Civil Donation Fund, \$1,375.00; Special Events Non-Reverting Fund, \$5,000.00; Police Pension Fund, \$225.00; Municipal Cumulative Capital Development Fund, \$1,326.24; Traffic and Law Violations Agency Fund, \$866.00; Safe Neighborhood Grant Fund, \$3,462.50; Gaming Revenue Sharing Fund, \$1,107.50; Total: \$585,338.17.

Adjournment. Councilor Kuiper moved that the meeting be adjourned. Councilor Zemen seconded. Upon a vote viva voce, the motion passed. The regular meeting of the Town Council of Monday, January 25, 2010 was adjourned at 7:45 O'clock p.m.

Study Session. The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session immediately following the regular meeting on Monday, January 25, 2010 at 7:55 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Brian Novak and Konnie Kuiper were present. Councilor Dan Vassar was absent owing to a work commitment. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

John M. Bach, Public Works Director; William Timmer, Fire Chief, CFOD; Peter T. Hojnicky, Metropolitan Police Chief; and Alex M. Brown, CPRP, Parks and Recreation Superintendent and Kenneth J. Mika, Building Commissioner were also present.

General Substance of Matters Discussed

1. The Highland Town Council, Clerk-Treasurer and the several department heads present responded to questions posed by the members of the Highland Girl Scout Troop 171 and Highland Girl Scout Troop 285. The proceeding was informal. Questions involved matters involving the reported School Town budget reductions, the pending Parks and Recreation Lincoln Center retrofit and rehabilitation project, and other general questions regarding local government.

There being no further questions from the members of the two Girl Scout Troops, the Study Session following the regular business meeting of the Highland Town Council of **Monday, January 25, 2010** was adjourned at 9:15 p.m.

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer